

## Article - Natural Resources

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§5–1202.

(a) Acquisition of interests or rights in real property for preservation of open spaces and areas constitutes a public purpose for which public funds may be expended or advanced. Any county, city, the Maryland-National Capital Park and Planning Commission, and the Department may acquire, by purchase, any intervivos or testamentary gift, or lease, the fee or any lesser interest, or development right, necessary to achieve this end. Any county, city, the Maryland-National Capital Park and Planning Commission, and the Department also may purchase or acquire by contract or gift the fee to any property for the purpose of conveying or leasing the property back to its original owner or other person under covenants or other contractual arrangements which limit future use of the property in accordance with the purposes of this section. The county or city may not acquire any fee or any lesser interest in real property for these purposes by purchase or contract requiring a monetary consideration exceeding \$500, unless the governing body of the county or city after a public hearing adopts a resolution or formal order declaring the public purpose or use. However, no owner whose property is being used for farming is subject to any condemnation or other land acquisition proceeding for the purposes of this section, by the county, city, Maryland-National Capital Park and Planning Commission, or the Department, if the owner has granted a scenic easement to the Department, Commission, or political subdivision.

(b) If any county, city, or the Maryland-National Capital Park and Planning Commission purchases open spaces and areas under the Outdoor Recreation Land Loan of 1968, the Board of Public Works shall pay a portion of the purchase cost if the Secretary has approved the acquisition and costs, and the acquisition complies with the provisions of the Outdoor Recreation Land Loan of 1968.

(c) (1) A landowner may offer a recreational access easement to the Department of Natural Resources and the Department may execute such an easement. The recreational access easements shall provide for access to all or a portion of the landowner's property for recreational activities. The terms of access (including but not limited to time, seasons, and the number of individuals), the location and amount of land and water, and the type of permitted recreational activities, shall be specified by the landowner.

(2) The Department shall in executing a recreational access easement agreement consider the terms specified by the landowner and the unmet demands for specific recreation activities in the area.

(3) The value and content of the easement shall be by mutual agreement between the landowner and the Department and approved by the Board of Public Works. The Department may accept the easement by donation, however, if purchase is required. Funding shall be provided through Program Open Space as appropriated pursuant to § 5-903 of this title.

(4) A landowner's initial agreement shall be executed for a term of one year, and all extensions shall be executed for a period of not less than three years.

(5) Liability provisions of Subtitle 11 of this title shall be applicable to those lands for which recreational access easements have been contracted.

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